

SIGN LANGUAGE INTERPRETING IN LEGAL SETTINGS IN
FLANDERS:

An exploratory study into the experiences of Flemish Deaf people in
their contact with the justice system

Thesis

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Abstract

This study is part of the European project Justisigns. The aim of this study is to ascertain experiences of Deaf people when contact was made with the justice system in Flanders. The literature review consists of explanation of the Conventions of United Nations (UN) and the European Union (EU) and the two Directives of the EU concerning the demand for interpreters in police interviews. Furthermore, an overview of the background in relation to accessibility, sign language and Deaf people in Flanders is provided. Based on the theoretical framework, Brennan & Brown's (1997) "Equality Before the Law", findings of the semi-structured interviews with Flemish Deaf people will be categorized. The goal is to expose which kind of barriers, accessibilities and bypassing are present.

0. Introduction

This dissertation lies within the framework of the European project Justisigns. Justisigns is a two-year European project running from 2013 to 2016. The project is funded by the European Commission's Life Long Learning program. The project comprises of experts from Ireland, Belgium, the United Kingdom, and Switzerland. The main aim of this project is to create educational and training programs for three target groups, as follows: (1) qualified and qualifying signed language interpreters working in legal settings; (2) Deaf¹ people and (3) legal professionals². One of the partners in the project, the team at the Centre of Translation & Interpreting Studies at Heriot-Watt University in Scotland (CTISS), took four focus groups, i.e. police officers, interpreters, Deaf sign language users with experiences of police interviews and Deaf sign language users in the general sense for interviewing (Skinner, personal communication, 2015). Questions which were developed by them were replicated for this study. Another partner in the project, KU Leuven (Faculty of Arts, Campus Antwerp in Belgium), organized diverse research studies, training sessions, and events in relation to the justice system in Flanders. This research is included in Justisigns' project as well. The exploratory study was to ascertain the experiences of Flemish Deaf persons in their contact with the justice system, and for this reason the researcher only picked the CTISS questions for Deaf sign language users with experiences of police interviews.

This study utilized one theoretical framework: Brennan & Brown's (1997) "Equality Before the Law". There has been limited research into the experiences of Flemish Deaf people.

¹ The term Deaf with a capital 'D' has become standard academic practice as a marker of culturally Deaf sign language users. The "Deaf" moniker places stress on the person's cultural affiliation with the Deaf community. The person's hearing loss is emphasized by using the term "deaf" instead. (McIlroy & Storbeck, 2011)

² www.justisigns.com

This research shifts the main focus onto the experiences of Deaf people in contact with the justice system, i.e. the police, a lawyer and the court. The preferred language of the Deaf respondents is Flemish Sign Language ('Vlaamse Gebarentaal' or VGT). We will investigate the experiences Deaf people have in the field of communication with hearing people. Which experiences do deaf people have when dealing with the justice system without an interpreter? Is an interpreter always present at the first contact with the justice system? If not, which efforts from the Deaf people or the justice system will be present? Which kind of barriers do they have? The researcher is eager to know if and how deaf people can bypass that kind of situation.

This dissertation is composed of five chapters. In Chapter Two, the researcher presents a review of national and international literature that details diverse laws, background to the structure of the justice system, and sign language interpreting in Flanders. The researcher also includes a discussion of the experiences and comments of Deaf people themselves from the book "Equality Before the Law" (Brennan & Brown, 1997) as a theoretical framework. In the third chapter, the research methodology is described, where the qualitative research approach is discussed. This leads to the fourth chapter, which contains the findings from the semi-structured interviews. The final chapter, Chapter Six, discusses the findings with reference to the literature review. It also concludes a conclusion, limitations, and recommendations for Deaf people and the justice system and for future research as well.

This study is not intended to be slanted either to good or bad experiences Deaf people had, but instead to document which kind of current experiences exist.

1. Literature review

This literature review expands a wide range of themes. The themes are divided into four sections. Before we enter at length into the focus of this research, we take an overview of some articles from the conventions of the United Nations (UN) and the European Union (EU) with intention to implement into the law. In 2014, De Poorter (2014) wrote in her thesis about the collaboration between the waterway police and interpreters in the legal district of Antwerp. On the basis of De Poorter's thesis (2014), we have collected a few articles and we will add in the topic of this research: deaf and hard of hearing people and their signed language. The first section refers to the conventions of the UN with some articles and the second section describes the conventions and the two directives of the EU. The third section concerns the laws of Belgium. This study only addresses the target group of deaf signers. Then, the research in the book, "Equality Before Law: Deaf People's Access to Justice" (Brennan & Brown, 1997) will give a framework to this recent study. Moreover, in the last section, we will briefly discuss the history of accessibility in Flanders, especially for the Deaf community.

1.1 International

1.1.1 United Nations

The aim of the Convention on the Rights of Persons with Disabilities of United Nations (CRPD) is to protect the rights of persons with disabilities. The countries that ratified the convention are required to protect, to promote and to ensure the betterment of persons with disabilities, their rights, and their equality in society. In 2009, Belgium ratified the United Nations Convention on the Rights of Persons with Disabilities.

Fevlado, the Flemish Association of the Deaf, gives access to the CRPD on their homepage with thirteen videos³ relating to the convention in Flemish Sign Language. Delphine Le Maire explains each of the thirteen articles, including the interviews with a diverse range of deaf signers in Flanders. Some CRPD articles mention in relation to accessibility (art. 9): access to justice (art. 13), freedom of expression and opinion, and access to information (art. 21).

A closer look at the three articles will reveal that these are worthy of reading in light of the topic of this research. Article 9 on accessibility is important, especially two paragraphs, one of which is excerpted below:

“(e): To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public” (CRPD)

A few interviewees wish that employees of public buildings, such as homes for the elderly, hospitals, police stations, and so on know the basics of signed language.

“(f): “To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information.” (CRPD)

The substance of the article 13 is that persons with disabilities have rights as far as access to justice and that they should be able to participate in all legal proceedings owing to the availability of access, e.g.; to report complaints and respond to appeals from the court as suspects/victims/witnesses (Fevlado, 2015).

“1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.” (CRPD)

³ <http://www.fevlado.be/fevlado-vzw/nieuws-prikbord/actualiteit/?d=539>

“2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.”
(CRPD)

The question here regards access to official information by deaf signers in Flanders.

Could deaf signers easily find information about the legal system? Is this information accessible for them? This question is regarding article 21:

“(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.” (CRPD)

“(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means.” (CRPD)

This paragraph consists of discussion on the articles of CRPD with some examples. We focus on the conventions and the directives of the EU in the following paragraph.

1.2 European Union

1.2.1 European Convention on Human Rights (ECHR)

The European Union (EU) drafted a list of conventions with the aim of introducing legislation to protect human rights. One of the conventions, drafted and signed in Rome on 4 November 1950, is called the European Convention on Human Rights (ECHR) or the Convention for the Protection of Human Rights and Fundamental Freedoms. Three years later, in 1953, it was ratified. Our research focuses on the right to an interpreter. Article 6 touches on the right to a fair trial, especially paragraph 3 as below.

“(…)

3. *Everyone charged with a criminal offence has the following minimum rights:*
- (a) *to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;*
 - (...)
 - (e) *to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”*

According to the convention, everybody has the right to understand in his/her language and when there is a language used in court which the person does not understand, an interpreter has to be provided by the court without the person paying out of his/her own pocket. As mentioned previously, the conventions have to be applied by all EU Member States, because it is a legal agreement between all the EU Member States, and Belgium is one of them (europa.eu) (De Poorter, 2014).

1.2.2 Directives of EU

The researcher elaborates on the intention of a directive, in order that the reader becomes aware of the distinction between a convention and directive (De Poorter, 2014). First, the researcher clarifies the definition of a directive from the homepage of the EU.

“A ‘directive’ is a legislative act that sets out a goal that all EU countries must achieve. However, it is up to the individual countries to devise their own laws on how to reach these goals.” (europe.eu)

On 20 October 2010, a Directive ‘On the right to interpretation and translation in criminal proceedings’ was drafted by the European Parliament and by the Council. It is called ‘Directive 2010/64/EU’. This Directive consists of eleven articles, of which Articles 2, 4, 5 and 6 are related to the context of this research. Article 2 consists of eight paragraphs with regard to the right to interpretation. Paragraph 2.1 refers to providing interpretation during criminal proceedings:

“Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without

delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings.” (Directive 2010/64/EU)

As mentioned above, an interpreter must be provided during police interrogations and all trials. The next paragraph, number 2.3, concerns deaf and hard of hearing people:

“The right to interpretation under paragraphs 1 and 2 includes appropriate assistance for persons with hearing or speech impediments.” (Directive 2010/64/EU)

A few questions arise with the reading of this paragraph. Appropriate assistance is not described in this paragraph. This is often a problem for the police and the court who are not informed about deaf and hard and hearing people. The right to demand an interpreter is stated in the fourth paragraph (2.4):

“Member States shall ensure that a procedure or mechanism is in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.” (Directive 2010/64/EU)

But the question is how an interpreter should be demanded; the procedures or mechanisms are not described in this paragraph. This has caused a lot of problems in legal settings (De Poorter, 2014).

Concerning to videoconferencing in paragraph 2.6:

“Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is required in order to safeguard the fairness of the proceedings.” (Directive 2010/64/EU)

In the semi-structured interviews with deaf signers, I ask if this has happened to a deaf signer. The next paragraph 2.8 includes detail on the fair proceedings of a trial.

“Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defense.”

Next article 4 contains the subject ‘costs of interpretation and translation’:

“Member States shall meet the costs of interpretation and translation resulting from the application of Articles 2 and 3, irrespective of the outcome of the proceedings.”
(Directive 2010/64/EU)

So, this article connects with the article 6.3(e) of ECHR (see above) in that both articles determine that all Member States are requested to bear the costs of interpretation. What about the content of article 5 with regard to the quality of the interpretation and translation? This article has three paragraphs:

“1. Member States shall take concrete measures to ensure that the interpretation and translation provided meets the quality required under Article 2(8) and Article 3(9).

2. In order to promote the adequacy of interpretation and translation and efficient access thereto, Member States shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified. Once established, such register or registers shall, where appropriate, be made available to legal counsel and relevant authorities.

3. Member States shall ensure that interpreters and translators be required to observe confidentiality regarding interpretation and translation provided under this Directive.”
(Directive 2010/64/EU)

It is significant that the directive mentions that an eye should be kept on the quality of interpretation in legal settings. A Member State should be conscious to beware of quality.

Therefore, a few prompt questions in the semi-structured interviews focus on the interpreter’s performance. Article 6 is also worthwhile for this research; it focuses on training.

“Without prejudice to judicial independence and differences in the organization of the judiciary across the Union, Member States shall request those responsible for the training of judges, prosecutors and judicial staff involved in criminal proceedings to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication.” (Directive 2010/64/EU)

This is included in the list of questions for the interviews with the deaf participants. What happens if a deaf signer meets a person from the justice system? How will this person act? Is this person informed or not? This point will be discussed later.

Another Directive ‘Establishing minimum standards on the rights, support and protection of victims of crime’ was developed by the EU on 25 October 2012 (Directive 2012/29/EU). The researcher has chosen three articles from this Directive that are linked to this research: Art. 4(f), Art. 5.1, Art. 5.2, Art. 5.3 and Art. 7 with eight paragraphs, as follows:

- *“Art. 4 (f): how and under what conditions they are entitled to interpretation and translation”;*
- *“Article 5: Right of victims when making a complaint*
 - *Art. 5.1: Member States shall ensure that victims receive written acknowledgement of their formal complaint made by them to the competent authority of a Member State, stating the basic elements of the criminal offence concerned.*
 - *Art. 5.2: Member States shall ensure that victims who wish to make a complaint with regard to a criminal offence and who do not understand or speak the language of the competent authority be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance.*
 - *Art. 5.3: Member States shall ensure that victims who do not understand or speak the language of the competent authority, receive translation, free of charge, of the written acknowledgement of their complaint provided for in paragraph 1, if they so request, in a language that they understand”.*
- *“Article 7 with eight paragraphs: “Right to interpretation and translation.”*
(Directive 2012/29/EU)

It is important to reveal in these articles the attention to the rights, support, and protection of victims of crime. But the researcher wonders about the lack of mention of the specific group, e.g. deaf signers. In this Directive, terms such as ‘the victim including any disability’, ‘the victims with disabilities’, ‘persons with disabilities’, ‘communication difficulties’, ‘difficulties in understanding or communicating which may be due to a disability of some kind, such as hearing or speech impediments’, and etcetera are cited. Which communication difficulties do they mean?

How do the members of the justice system know which requirements deaf signers need? Perhaps, this explains why the members of the justice system do not know how to address reasonable accommodations.

1.3 Belgium

1.3.1 *The Legislation of Belgium*

In this section, we first demonstrate the language borders in Belgium. Dutch, French and German are the three official languages of Belgium, but it is important to know that Belgium, the federal state, consists of three communities: the Flemish Community, the French Community and the German-speaking Community⁴, although Belgium has four speaking communities, because, in fact, the Brussels-Capital Region is a bilingual region.

According to De Poorter (2014:16), in the case that someone is judged under the eyes of the law, s/he knows there will be language used during the trial. We are interested for knowing which language use and the right to an interpreter at investigative and other preliminary stages by the police. In the legislation of Belgium, there are two articles; Art. 31 and Art. 32 in the fifth chapter on the 15th of June 1935⁵. Art. 31 consists of the interrogations when the police officers do not understand the language of the parties, then they need to make an appeal for cooperation of a sworn interpreter. The costs of the interpreting shall be borne by the Treasury. The other article, 32, contains the rights of witnesses to bring in an interpreter unless they ask to be allowed for using another language when the magistrates and the police do not use the same language of a witness. Also here they can make an appeal for cooperation of a sworn interpreter.

⁴ www.belgium.be

⁵ <http://www.ejustice.just.fgov.be>

Subsequently, in the context of this study, our concerns are deaf signers in Flanders, but Belgium has two recognized signed languages: Flemish Sign Language (VGT) and French Belgian Sign Language (LSFB). It is possible that deaf Flemish signers would get into trouble with deaf signers of LSFB and then a trial of signers from both the northern and southern region would be organised. Therefore, we have showed the legislation of Belgium.

1.3.2 The Implementation of the Salduz-Law

The Salduz-ruling was established after an incident in Turkey where a young man, Yusuf Salduz, was arrested by the police on suspicion of participating in an illegal demonstration in support of the PKK⁶ and putting up a banner (Vercammen, 2014). In the police station, he made a confession during police interrogation which was later retracted in the presence of the prosecutor and the investigating judge. The reason why Salduz changed his mind was because he was put under pressure during police questioning and was beaten. Only after he was brought in front of the attorney and the investigating judge was he able to get a lawyer. Due to the statements that were made during police questioning, Salduz was condemned to 2 ½ years imprisonment (Vercammen, 2014). He ensured that his basic rights were violated and he went to the European Court of Human Rights in Strasbourg in 2002. Six years later, the ECHR ruled in favour of Salduz on November 27 2008 (Vercammen, 2014). As a result of this decision, all 47 member states of the Council of Europe were required to take the Strasbourg ruling into their national law⁷. It was an important change for Belgium. This rule, called the Salduz-ruling, was created on August 13, 2011 and was implemented on January 1, 2012⁸. It means that suspects have rights to

⁶ PKK is a militant Kurdish organization in Turkey and Iraqi Kurdistan, called: The Kurdistan Workers' Party. In the Kurdish: Partiya Karkerên Kurdistanê

⁷ <http://www.advocaat.be/Page.aspx?genericid=133> in Vercammen, 2014

⁸ <http://www.policelocale.be/5418/home/836-salduz-wet-verstaanbaar-voor-iedereen.html>

consultation with a lawyer previous to trial, assistance by a lawyer during interrogation, and the right to contact a trusted person. It means that it is an obligation that a court interpreter be present during confidential consultation with a lawyer (Vercammen, 2014). So, the members of justice should be prepared in the case that this happens with a deaf suspect. In Holsteyn's thesis (2013), she examined the implementation of the Salduz-ruling after one year and the impact on the police and the police questioning. Moreover, she interviewed the police and found that because of the Salduz-ruling, they find it time-consuming to call lawyers and interpreters if a suspect speaks a foreign language and if s/he wants to have an interpreter (Holsteyn, 2013). Interestingly, if the police ask a suspect if s/he wants an interpreter, then one will be provided if an interpreter is found. So, we think that it is important to inform Deaf people that they have to be aware about their rights to ask for an interpreter, if arrested.

1.3.3 Interpreting's System in Belgium

Training Sign Language Interpreting Program in Flanders

Currently, there are three Flemish Sign Language interpreter-training programs in Flanders. Two of these are training programs offered at a center for vocational education, i.e. in Ghent and Mechelen and the other one is an academic BA/MA-program in Antwerp. After obtaining a diploma in the Bachelors program, it is possible to continue to study and obtain a Masters in Translation or a Masters in Interpreting degree. This university also provides LIT-training (Legal Interpreting and Translation) (Salaets et al., 2014).

The CAB (Flemish Communication Assistance Agency)

In 1991, a non-profit organization was established 'Vlaams Communicatie Assistentie Bureau voor Doven' or CAB ('Flemish Communication Assistance Agency for the Deaf') to

coordinate interpreter services in Flanders⁹. Graduates from the interpreter training programmes, i.e. Antwerp, Ghent and Mechelen, can be connected with the CAB. The CAB has also provided video remote interpreting (VRI) since 2012. Currently, it is attainable every morning of the week, except on Wednesday when it is open till 17 o'clock. Deaf signers have access to the service via a program called MyMMX installed on their computer, laptop or smartphone. For access, deaf signers need to request registration first. The aimed aimed-at length of a conversation through VRI is allowed till 30 minutes.

Interpreting Hours for the Deaf People

A few years after the CAB was established, in 1994, a bill was passed by the Flemish government which provided a fixed number of free (limited) interpreting hours per year for Deaf people; the hours are intended for social and work settings (Van Herreweghe et al., 2006:302). Further, Van Herreweghe et al. (2006) mention that each Deaf person has 18 hours a year for personal matters and 10% of the total number of working hours. A double number of hours may be requested provided motivation, i.e. 36 hours for personal matters and 20% of working hours. Flemish Deaf people can also use interpreting hours in educational settings. However, because of the topic of this study, we do not focus on hours for other settings. When Deaf people need to make contact with the police, they can utilize their hours for personal matters for use in legal settings. Unfortunately, the number of interpreting hours have not been much increased over twenty years. Eighteen hours for personal matters is a very limiting number for Deaf people in their social lives, which include such matters as visiting hospitals, meeting with the teachers of

⁹ www.cabvlaanderen.be

their children, weddings, et cetera. If a Deaf suspect/victim/witness needs to attend a trial many times, then their hours will decrease quickly.

1.3.4 Police in Belgium

We will describe very briefly the system of the police in Belgium. The police are organised on two levels: federal and local. These two constitute the integrated police. Both levels have their own tasks and work autonomously. The levels are not dependent on each other. They are competent in their own territories and have their own governments. While both levels are independent, there still exists a close cooperation. Currently, there are 195 police districts in the whole country on the local level¹⁰.

Furthermore, not all police zones provide access to deaf and hard of hearing citizens. Vermeerbergen's et al. (2008) main focus in their book was collecting information about different situations and wishes for the future. One of the topics was access to emergency services, i.e. fire department and police. They show some examples where police departments did deliver services to Deaf people, as follows:

1. The police district LOWA (Lovendegem, Waarschoot, Zomergem and Nevele) provides a contact form for deaf and hearing impaired people to be faxed on its website. With the form, it is possible to ask for police intervention.
2. The police district RIHO (Roeselare, Izegem and Hooglede) launched a project in 2006, working with other partners (West Flanders Police Academy, Fevlado, OPDOSS¹¹, the province of West Flanders for Welfare). They made a DVD with

¹⁰ <http://www.lokalepolitie.be/portal/nl/algemeen.html>.

¹¹ OPDOSS is a federation of associations for deaf and hard of hearing people who communicate through spoken language

simulations and tips so the police know how to deal with deaf and hard of hearing people. The aim of the project is to create deaf awareness in the police.

3. The police districts RIHO and VLAS (Kortrijk, Kuurne and Lendeledede) have developed a special paging system for the deaf and hearing impaired. One can send an SMS to a special emergency number¹². Deaf and hard of hearing people have to register first with the police district VLAS.
4. In a collaboration between a number of different police districts, an e-portal was established where people can make a declaration over the internet. If the crime happened in the police districts Brussels-West, Ghent, Lommel, La Louvière or Druivenstreek, you can contact this e-service.
5. The police districts Schelde and Leie also provide the opportunity to report suspicious circumstances, nuisances and unsafe traffic situations via the Internet. (Vermeerbergen et al., 2008:208)

Currently, related to e-services of the police, we have checked the homepages of the police districts abovementioned and other districts too. It seems that all police districts provide e-services for everyone. But what if a Deaf person prefers to give a declaration in sign language?

Het Reddend Gebaar

In 1998, the workgroup ‘Het Reddend Gebaar’ (The Saving Sign) was established by about fifteen Belgian police officers who know VGT; among them were four qualified sign language interpreters (Clerbout, personal communication, 2016). Their main aim was good services for Deaf people, such as hearing people receive. Some specific aims were to provide

¹² Each police district has its own emergency number.

expertise to the police and the justice system and to advocate better access to the police and emergency services. The emergency fax, a form fax for card stop¹³ and a sensitization package “De politie hoort u” (“The police hear you”) are their achievements (Vermeerbergen et al., 2008; Clerbout, Justisigns, 2016). The emergency fax has existed since 1998 and is still usable. You can find the form in appendix 2. The other achievement, the package, was made in 2006 with a CD-ROM and a DVD. The content has two parts: general information about deafness and sign language and the second part is eight examples of situations including declarations at the police office, witness of a hit and run, burglary in a home, et cetera. One of the initiatives of Het Reddend Gebaar was to provide information to Deaf people everywhere, such as in Deaf clubs, in homes, and deaf schools. The information is of a wide variety; about the prevention of burglary, drugs, traffic, ... Furthermore, the police were present on World Deaf Day where Deaf people could come to ask for more information (Clerbout, Justisigns, 2016). They also gave a presentation about proceedings, from giving a declaration to a trial. They also made their own homepage, but since the police reform in 2002, it does not exist anymore (Clerbout, personal communication, 2016). This association is not active any longer, because of the lack of a budget and the police reform. What they would like to realize but which never happened before the police reform is to put one police person who knows sign language in each province.

Later, on February 15 2015, deaf and hard of hearing people were given the option of reaching emergency centers for police assistance, fire aid and assistance from an ambulance team via SMS by specific numbers. These are different than 112¹⁴. These numbers have to be requested first before they are given. This achievement was prepared by the federal government and the police, in collaboration with the FFSB (French-speaking Association of the Belgian Deaf

¹³ Card Stop is a contact number for who has problems with a bank card, e.g. stolen.

¹⁴ European emergency number

– Fédération Francophone des Sourds de Belgique) and Fevlado (Fevlado, 2015). Here is the homepage where you can get information about how to request these numbers:

<http://www.112.be/nl/sms>.

1.3.5 The Language Use of Deaf People

As mentioned, the term used for the sign language in Flanders, the northern part of Belgium, is ‘Flemish Sign Language’ (‘Vlaamse Gebarentaal’ or VGT). It is the language of a relatively small linguistic minority of about 6,000 Deaf people within hearing society (Loots et al., 2003). VGT consists of five regional varieties that have developed in and around the different Flemish deaf schools: West-Vlaanderen (West Flanders), Oost-Vlaanderen (East Flanders), Antwerpen (Antwerp), Vlaams-Brabant (Flemish Brabant), and Limburg (Limburg) (De Weerdt et al., 2003). Deaf children were not allowed to use sign language in schools until the end of the nineties, they had to learn to speak and to lip-read Dutch (Schermer & Vermeerbergen, 2004). According to Loots et al. (2003), 52% of Deaf signers see themselves as bilingual, i.e. spoken Dutch and VGT. Another 14% argues that the usage of spoken language is rare or never happens and they only use VGT, and the last group, 36%, mentions that they often use written language for communication.

1.4 Theoretical Framework: Equality Before the Law

The book “Equality Before the Law: Deaf People’s Access to Justice” was published in 1997 by two authors, Brennan & Brown. The objectives of the research were to explore, as follows (Brennan & Brown, 1997:15):

- 1) the access of Deaf people to processes of justice within the legal system in the United Kingdom;
- 2) the role of BSL/English interpreters in mediating access;
- 3) the problems inherent in the process of interpreting courtroom discourse;
- 4) the sociolinguistic and socio-cultural influences on the nature of courtroom interactions.

As mentioned above, this research is focused on the experiences of Deaf people. The researcher will attempt a summary of Brennan & Brown's study (1997) exploring the experiences and remarks of Deaf people. Their approach to data collection is in-depth interviews with seventeen Deaf people with experiences of the criminal justice system. The two target groups are Deaf sign language users with BSL as their preferred communication and deaf people who do not use BSL. Interestingly, different requirements between the two target groups caused the researchers to determine that separate studies were needed (Brennan & Brown, 1997). Which requirements are not mentioned in the book. The aims of the study are in three parts: Deaf people's experiences of police questioning, court appearances and custodial sentences (Brennan & Brown, 1997:90). Different issues have occurred in their research of perspectives of the Deaf that Deaf people faced.

One of the following issues is the use of the term '*deaf and dumb*' (Brennan & Brown, 1997:92). According to the authors, the use of this label has a negative effect on members of the Deaf community. The members of the legal profession, police and court officials do not see a Deaf person as a foreign speaking person, but non-linguistic person, because they had the experience of 'rudimentary' communication (Brennan & Brown, 1997:91).

2. Methodology

The methodology of this thesis centres on the personal experiences of Deaf people through a qualitative research method (De Boer & Evers, 2012:14; Hale & Napier, 2013). This research sits with the Boeije definition of the qualitative research method (in De Boer & Evers, 2012:11):

Qualitative research aims at topics that can help understand how people give meaning to their social environment and how they act as a result of that. The research methods chosen enable the researcher to describe and – if possible – explain the topic from the perspective of the individuals studied.

This chapter will be divided into seven sections. First, the researcher will explain the choice to use semi-structured interviews. Then the identical questions of the Justisigns project at the University of Heriot-Watt will be looked at. The third section will discuss the role of the researcher and look at issues which could have an impact on this study. In addition, how respondents were called for the interviews will be determined. This will lead to introductions of the respondents. The sixth section will explain the interview protocol. Lastly will be an explanation of the analysis.

2.1 Research Approach

Currently, there is little or no research about the experiences of Deaf people in Flanders. The researcher attempts to collect their experiences through individual interviews and explore narratives from the idea that “[the] aim of conducting interviews is to gain information on the perspectives, understandings and meanings constructed by people regarding the events and experiences of their lives” (De Boer, 2012:34 in Debeerst, 2014). A semi-structured interview is an appropriate research tool for accumulating personal experiences of Deaf people regarding

their contact with the justice system for use in this study. Edwards et al. (2012) conducted a study on the access to justice for people with disabilities as victims of crime in Ireland. Their methodology contains two parts; the first part focuses on the literature for exploring the barriers in accessing the justice system for people with disabilities and the second part includes thirteen semi-structured interviews. They declare that “the interviews sought to elicit understandings of obstacles within the justice system, to identify any specific policies and practices addressing the needs of Deaf people, and consider opportunities for strengthening the efficacy with which the concerns of people with disabilities are addressed” (Edwards et al., 2012:19). So, interviewing in this study will help to explore and to ascertain which experiences the respondents have. The list of the questions used in the interviews can be found in appendix 1. The aim of using the list is to put the interview on the right track. When the researcher sees that more clarification is needed in the stories of the respondents during the interview, then she uses some questions. It might be said that this study could approach narrative research, where a respondent gives a story to assign an image to what they have undergone (De Boer & Evers, 2012:17).

De Boer & Evers (2012:39) argued that an interview with one person individually avoids power relationships in regard to his/her superiors or colleagues. To share experiences might be sensitive, shameful or private so that an interviewee would not want to share them with other people in a focus group. As mentioned, the Flemish Deaf community is very small and almost everyone knows one another. The risks could exist that they do not want to tell their story. The research team at Heriot Watt (HW) University adopted the interview for a focus group (Skinner, personal communication, 2015); however, the researcher prefers to avoid power relationships, and therefore has used one to one-interviews.

2.2 Semi-Structured Interview: Questions

The next step is questions. The HW University team took four focus groups, i.e. police officers, interpreters, Deaf sign language users with experiences of police interviews, and Deaf sign language users in general. Since the content of this research question ascertains the experiences of Deaf people only, the researcher only picked the questions for Deaf sign language users with experiences of police interviews. The list of fourteen questions¹⁵ is made up of three parts: (1) the respondent's own experience with police interviews with and without an interpreter, (2) the respondent's feedback on interpreters if one was present, and (3) four final open questions, e.g. (1) their views about the requirements of specific qualifications or experiences of sign language interpreters to work in the legal system, (2) their thoughts about the understanding of Deaf signers about how to get an interpreter for police interviews and (3) about the benefits of any sort from training for the Deaf community about the police and legal system, and (4) general issues about accessing interpreters for police interviews.

During preparation of the interviews and determining which questions would be used, adopting the questions of Heriot-Watt's Justisigns project completely and using this type of interview (i.e. a semi-structured interview instead of a focus group discussion) was taken into consideration. But the researcher deemed that the questions were relevant and had potential for utilization in the context of the Flemish situation. The list contains questions for respondents who had an interpreter and respondents who were without an interpreter. It was a challenge if a respondent had no experience with an interpreter during a police interview. But thanks to the semi-structured interviews, an interviewer has the advantage of a balance between control and flexibility (Nunan, 1992 in Hale & Napier, 2013). So, the researcher can have the opportunity of

¹⁵ The list of questions is added in appendix 1.

adding any questions or asking more specific ones if there is no clear answer. Some examples for questions that were added follow:

- In the first part of the interview, if a respondent did not have an interpreter during a police interview, “and/or contact with justice” can be added. It will be: the respondent’s own experience with police interviews and/or contact with justice.
- Also, the second part can be attempted: the respondent’s feedback on the interpreter, – if present during any of the proceedings.

The decision of the researcher was to use identical questions to the HW University team.

2.3 Role of the Researcher

This section is about the role of the researcher. Before she started asking people to participate in her research, she was not sure whether she would find people willing to participate. Maybe there would be only a few candidates or a lot, she did not know what to expect. People know her, because she is deaf and a member of the Deaf community. During her childhood and adulthood she went to the school for the deaf, attended events organized within the Deaf community, and worked with deaf co-workers, i.e. she is strongly involved in the Deaf community. It was striking that indeed there were a few people whom immediately and without hesitation contacted her and said they would like to do an interview with her for her research, but also a couple of people mailed her with doubts. They asked her if she could really guarantee anonymity and what the purpose of her research was. If the researcher was going to make everything public, they did not want to participate. She reassured them that the content of the interview would remain strictly between them and her and that there would be complete anonymity. She interviewed nine people; there were more candidates but she did not select them

due to lack of time. Within a week or two, fifteen to twenty people responded to her call, which is quite fast. A lot of their stories however were about speeding tickets, divorces, and so on. There was no one who had been a suspect in a serious crime such as theft or who had been brought in by the police for questioning. She did not have such stories in her data. Did people with those experiences not see her video with her call or were they not willing to participate out of shame or because they know her? Maybe if there had been more time they would have come forward? As stated, the Deaf community in Flanders is quite small. All the respondents knew her; she had met them all before. So maybe when they saw her making the call, they were more motivated to participate. They eagerly responded; she did not have to really search for respondents and contact people individually to persuade them. They all came forward very fast and smoothly. Being deaf and being part of the Deaf community is an advantage in that way. All the interviews were held in VGT; communication went smoothly because they share that language. She had been thinking about how to sign her questions because she had read the literature and had written down her questions. All her sources were in written language. When she started doing the interviews she had to translate questions into VGT. During her first interview, she was a little nervous and the respondent sometimes did not understand her questions. She was struggling a bit to find the translation that would fit their culture best. Other respondents had other ways of signing so she had to adapt her VGT to each and every one of them. She changed role according to whom she was interviewing.

Another challenge for the researcher was that when she had asked a question, they had to think about it for a long while or they had a hard time trying to understand her question. As a consequence, she had to give examples. She tried not to give too many examples because then they could just affirm the example she had given them instead of giving a new example. As

Mortelmans (2013) argues, a researcher should try not to define examples, because pitfalls can occur if there are little or no examples from a Deaf person. Thus, she tried to give no examples to him/her. Instead she asked a lot of questions to get an answer but s/he kept on receiving responses that were beside the point.

She searched her own experiences as well in relation to contact with the justice system. She never had to go to the police station or to the court. Only once when she had a minor car accident did she make contact with the police. Another person was witness to this slight accident, and he called the police for her. While she was waiting for the police, she wished an interpreter could be present with her. Suddenly she remembered that an interpreter was booked for an event where she normally went. Accordingly, she asked if the interpreter was not very busy at the event and whether she minded coming. The researcher was so relieved that the interpreter was there when the policewoman arrived. The questioning went smoothly. In relation to court, she never had to go to court on her personal account. She did attend a trial about someone else once and had observed the interpreters. When the respondents of the research shared their experiences; not having an interpreter, the grave inaccessibility, she tried to understand and feel what they had been through. Sometimes she was thinking to herself that a deaf researcher had better experience these injustices him/herself so that s/he could understand it better; food for thought.

Another interesting aspect was the duration of the interviews. In the table (appendix 3) with the respondents, the last column shows how long the interview took. Some were short, others long. The researcher had imagined that the interviews would have a flow of her asking questions and the respondents answering, the lengths of the answers depending on what their story was. Sometimes however, for example when she asked whether the police had ever interrogated them or if they had been to a police station, they were telling their story for a long

time. She just sat there listening. It was as if they needed someone to listen to their story. She could tell they wanted to share their story so she just let them and listened. Other people gave very short answers and would not give her any details. Some people just wanted to talk about their experience with an interpreter and the police, some only wanted to talk about the inaccessibility they had experienced. They wanted to give only the facts, without elaborating further.

2.4 Call

In this section the researcher will explain how she recruited Deaf people to participate in this research. Moreover, the researcher wondered whether the respondents did understand the aim of this investigation or not? In the light of this decision, the researcher collected some examples in the field of justice, e.g. divorce, break-in, filing a complaint with the police, being interviewed by the police, etc. The content of the recruiting video was as follows:

- the introduction of the researcher,
- an explanation of the MA training of EUMASLI¹⁶,
- the aim of this thesis with some examples,
- the ensuring of anonymity,
- the duration of an interview,
- asking the favor of spreading the call-video,
- contact info.

As mentioned before, the researcher is known in the Deaf community, due to professional and personal circumstances. The video was published through social media, i.e. on the

¹⁶ EUMASLI: European Master in Sign Language Interpreting.

researcher's YouTube channel and on her Facebook page and in a Facebook group, where a lot of Flemish Deaf people are members. Many people shared the video. Thanks to sharing of the video on social media, snowball sampling was used for the recruitment of respondents (De Boer & Evers, 2012:52-53; Hale & Napier, 2013:73). It is like a snowball effect. One person shared the video on her/his Facebook wall. After one day the researcher already received fifteen candidates. For more details about a story of a respondent, she contacted him/her with some questions for knowing more about if their stories were suitable for the subject of this study or not.

2.5 Phase 1: The Respondents

The corpus is composed of nine respondents with six men and three women. The data analysis reached saturation point after nine interviews. The respondents live all over Flanders, the northern region of Belgium; two from West-Flanders, five from East-Flanders, one from Antwerp and one from Flemish Brabant. The age of the respondents is from 24 years to 47 years old. All are Deaf. Five of them have a Deaf family. The other four interviewees have a hearing family, of which two have a Deaf sibling. The mother of one person is a sign language interpreter and the last one grew up in a hearing family but the language of this person in everyday life is Flemish Sign Language (VGT). The respondents' data is shown in the overview, see below (table 1). The durations of the interviews are also added. The names are fictive. The order of the list is in accordance with the respondents' age.

Table 1: Overview of the respondents' data

| Name | Gender | Age | Language | Family | Region | Duration |
|---------|--------|-----|---|---|--------------------|----------|
| Anthony | Man | 24 | VGT | Deaf | East-Flanders | 14:48 |
| Thor | Man | 27 | VGT | Deaf | East-Flanders | 14:19 |
| Dean | Man | 28 | VGT | Deaf | West-Flanders | 19:31 |
| Bruno | Man | 29 | VGT | Hearing | East-Flanders | 37:25 |
| Estelle | Woman | 32 | VGT, and sometimes she uses her voice | Hearing. Her mother is an interpreter | Antwerp | 14:08 |
| Paul | Man | 42 | VGT | Deaf | East-Flanders | 48:49 |
| Guido | Man | 43 | VGT | Deaf | East-Flanders | 1:05:49 |
| Olga | Woman | 47 | VGT | Hearing. Her brother is Deaf too | West-Flanders | 43:25 |
| Barbara | Woman | 47 | VGT | Hearing. Her brother is Deaf too | Flemish Brabant | 27:00 |

2.6 Semi-Structured Interview: Protocol

The interviews took place through video communication via different kinds of software, e.g. FaceTime, ooVoo and Skype. All of them were recorded by OBS, Open Broadcaster Software. The researcher explains the protocols of each interview. When the interviewer and the interviewee are connected by one of these programs, preferably chosen by the respondent, after a brief warm-up, the researcher explained the purpose and set-up of the interview. The second step was the consent form (attached in appendix 4); the researcher translated the form to ensure they understood. They were asked to print the form, to sign, to scan and then to e-mail it to the researcher. After they agreed, she continued with the interview. After the first interview the only adjustment was the order of some additional questions, but after the first interview nothing else changed. Therefore, this first interview is included in the study and no pilot interviews were conducted. In other interviews, the order of the questions was not always strictly observed since some answers were already contained within a previous answer.

Social reality is impossible to examine purely objectively, as in the sciences. The subjective aspect is inherently present (Levering en Smeyers, 2003 in Verhelst, 2011). Levering en Smeyers (2003 in Verhelst, 2011:26) describes three characteristics in order to warrant the scientific nature of the study. First, the emphasis is on the quality of the actions of the researcher during the study, which is considered as internal validity. This includes adequate empathy with respondents, while also taking a sufficient distance. In the position of insider –as a member of the deaf community– the latter was not always evident.

2.7 Analysis

All interviews were translated from VGT into written Dutch, before proceeding to their analysis. Translations were made by the researcher. Some excerpts from the narratives appeared difficult to translate. Because of the need for anonymity, the researcher copied these excerpts, including a short explanation of the context of these excerpts, and sent them to an interpreter who replied with possible and right translations in Dutch. The translated interviews are intended to facilitate analysis of the content and to facilitate the choosing of quotes for this study. Given that data was translated, these were used for thematic analysis. Due to the need for strict anonymity –and also because the typed versions are of a considerable length—they are not included in this research.

The data was analyzed following the next steps, which will now be briefly discussed. During the first stage of analysis, the researcher read through the material, listed key ideas and recurrent themes (Ritchie & Spencer, 1994). While reading the material, she highlighted recurrent themes and repeated issues which emerged in the narratives. After the second phase of analysis, three main categories appear: barriers, accessibility and bypassing.

The third phase of analysis consisted of the responses to the open-ended questions with collection of the opinions of the respondents about the Deaf community, interpreting and the justice system.

3. Findings

This chapter incorporates findings from two of three interview phases. First, the researcher collected personal information from Deaf participants. This data has already been discussed in the methodology of the previous section (Table 1). The second phase of questions asked were regarding narratives of the Deaf participants dealing with the justice system. The last phase contains content obtained through a series of open-ended questions about perspectives on the Deaf community and subjective views concerning interpreters, accessibility and the legal system.

The aim of this chapter is to study and compare these narratives. A theme emerges when there is a conspicuous pattern in the narratives, illustrated by choice quotes from the subjects. There are a total of ten themes and these themes are placed in column 1. In the third appendix, the overview of themes is divided into subtopics with details in the second column. The number of times that the theme appears in the experiences of the Deaf participants are shown in column 3. An overview of this thematic analysis can be found below (Table 2).

Table 2: Phase 2 “Overview of themes”

| Themes |
|--|
| 1. First contact |
| 2. Dealing with the police |
| 3. Responsibility for booking an interpreter |
| 4. Interpreter attitude and performance |
| 5. Deaf persons’ emotions |
| 6. Language use by Deaf person |
| 7. Contact & communication with the lawyer |
| 8. Familial assistance |
| 9. Deaf person’s rights |

In comparison with the number of participants, some incidents happened more than nine times, because some participants had contact with the justice system more than once. Contact with the justice system in this context means how many times contact was made during the procedure and until the incident was closed. For this reason, you can see an overview of how many Deaf persons have made contact with the police and the court (Table 3).

Table 3: An overview of how many times the Deaf participants got in touch with the justice system

| Who | How many times contact was made |
|---------|---------------------------------|
| Bruno | 7 |
| Anthony | 3 |
| Estelle | 2 |
| Paul | 1 |
| Guido | 9 |
| Thor | 3 |
| Barbara | 7 |
| Olga | 3 |
| Dean | 3 |

Appendix (3) demonstrates an elaborated list of themes and the subthemes drawn from the data. Actually, all of these are interesting and worthy of discussion; unfortunately, this is not achievable in the scope of this small research project. Therefore, themes and subthemes which have not been looked at in depth can be put aside for the next potential study.

As mentioned, the research question here is to know the experiences of deaf people when dealing with the justice system. The aim of this research project is to gather and highlight common and remarkable experiences; perhaps also bring out contradictions between the stories of the informants.

3.1 Phase 2: Narratives of the Deaf Participants

3.1.1 Causes of Contact Between the Deaf Person and the Justice System

“I find that the accessibility of communication is very important. That's my goal.” (Guido)

As you read in the quote from Guido above, access to communication with the justice system and the rights of the deaf person are very important. In this section, the researcher presents a spectrum of varied experiences.

This column consists of facts about why the justice system comes into contact with a deaf person and vice-versa. The list of reasons for contact made with police stations is as follows; to report something to the police, to report a theft, the loss of something, or domestic violence.

3.1.2 Access to the Justice System

3.1.2.1 Dealings Between the Deaf Person and the Justice System

3.1.2.1.1 Contact with the Police

A lot of hearing people do not know how to deal with deaf persons, including the police. When the Deaf participants came into contact with the justice system without an interpreter, experiences with the police differed. In the interviews, the negative attitudes of the police in the first instance of contact are described. Bruno and Barbara have experienced cold and brief contact with police officers at the door of their home. We can assume that police officers are surprised and distraught when confronted with Deaf people. This can have different impacts of their attitude some of which follow: “brief contact”, “blunt”, “cold”, “panic” and “distraught”. An example is the awkward case of Barbara. She was woken up in the middle of the night, at

approximately 2 o'clock, by the doorbell. She was wondering why it had rung and took a look through the window: the police! When she opened the door, she saw her child with them. The child had run away while Barbara was sleeping. The police did not know how to communicate with Barbara and started to talk, but she did not understand them. Her child started to interpret for her, but Barbara refused this help and got tired of the very basic communication and gestures warning her to be careful and avoid the same thing happening again. She became upset, because she wanted to know where the police had found her child and what happened.

Another situation when the police became distraught if they found out that Dean was deaf. He got a letter inviting him to the police station for an interrogation and he requested an interpreter. When Dean arrived at the station, he got to know that there was no interpreter. He noticed that the police were a bit distraught and he had to reassure them:

"I clearly stated to them that I am profoundly hard-of-hearing and because of that, it was possible I would not be able to understand them. I told them: "If there's something I don't get, I'd rather have you writing it down for me." The police felt somewhat panicky. I reassured them and told them they didn't have to be afraid. I would be able to understand them most of the times, but when I didn't I would tell them."

Not all of the participants have bad experiences when communicating with the police. Anthony, Thor and Olga have undergone positive dealings with the police. They felt confident and relieved. When the researcher asked them how that happened, she got three different explanations. Anthony guessed that these police officers met another Deaf person before or had talent communicating via body language, facial expression and gestures. The town where Thor lives has a lot of Deaf inhabitants, so Thor thought the police would be informed about how to deal with them. The third and most interesting, reason, given by Olga, was that the policewoman had been informed about how to deal with Deaf persons by her colleague, a qualified interpreter from another police station.

3.1.2.1.2 Physical Contact

Physical contact with the police is seen in narratives from two Deaf participants. Both had the same feelings after this action; they lost confidence in the police. They did not know what to expect from the police. These two cases are from Bruno and Paul. A few years ago Bruno went out with his friends and he was drunk. He became frustrated with his friends and became angry. He ran away, because he did not want his friends to see him as an aggressive boy and he did not want to hurt anyone. He was alone and trying to calm himself; in the eyes of the police he was aggressive and from behind him, they shouted at him to stop. He did not hear them because he is deaf. What happened? The four policemen cracked down on him physically. He was very shocked and tried to keep eye contact and to make clear to them that he was deaf, but to no avail. Could the police not wonder why he did not react after they shouted at him?

Another case happened in the interrogation room with an interpreter. Paul was being interrogated; he was very afraid and did not know what he could expect from the policeman. During the interrogation, he broke eye contact to look down and catch his breath; the policeman abruptly hit Paul's shoulder with his hand. Paul looked up in shock.

3.1.2.1.3 The Lawyer Consultation

Almost all of the participants had a consultation with their lawyer, using an interpreter. Instances of communicating with lawyers through body language or gestures and without an interpreter are not found in the data. Only Bruno tells of his experience summarising his case to his lawyer via e-mail. He finds that it is acceptable, because the communication is through written Dutch. It is obvious that none of the participants convey information about urgent cases

without an interpreter. Regarding the Salduz ruling, the police should bear in mind that they have to book a lawyer and an interpreter for a deaf suspect.

3.1.2.1.4 *Responsibility for Booking an Interpreter*

It is interesting to find out whose responsibility it is to book an interpreter: the police, the court or Deaf people? Below, the findings of the researcher are split into two sections: no interpreter booked and an interpreter booked by either the police/court or by the deaf person.

a) No Interpreter Booked.

It is ideal to have an interpreter present when a Deaf signer communicates with the police, but there are some situations where it is impossible to book an interpreter. Some examples include urgency, e.g. finding a culprit and perpetrator of a hit and run. These kinds of urgent situations are important to settle immediately. One of the participants, Anthony, decided to report a hit and run to the police station without an interpreter present. He was conscious that looking for an interpreter would waste time. The police and the Deaf man wrote notes in Dutch on paper:

“It is still fresh in my mind. I still remembered the car’s license plate. Looking for an interpreter first would waste time and I didn’t know whether or not I’d be able to find an interpreter that quickly, i.e. applying for an interpreter and an interpreter being present within the next one or two hours is fairly impossible.”

When a Deaf signer unexpectedly comes into contact with the police, booking an interpreter immediately is next to impossible. Two instances given here are these of Barbara and Bruno. Barbara experienced domestic violence from her ex-husband, and she escaped through a window. Her neighbour saw this happen and called the police. Because of panic and shock,

Barbara could not control herself and could not understand the gestures of the police, such as ‘wait’. She urged the police to arrange an interpreter, adding that usually she could arrange an interpreter beforehand, but that this situation came very unexpectedly.

In the case of Bruno, he went to the police station to report the loss of his wallet. There, he was immediately taken to the interrogation room, because the policeman became suspicious after getting his reports three times. A researcher asked him how he communicated with the policemen and why he did not request an interpreter. He replied that he spoke short statements in Dutch. He also added that he was a little bit afraid and had a lot of efforts to understand the policeman him.

It does not matter if a situation is heavy or not; requesting an interpreter for every case is a must, but Deaf participants are aware of the difficulty of finding an interpreter immediately. For example, it is interesting to hear Olga’s story about her situation. She did not find the situation of losing her mobile phone heavy and she wanted to know how the police would react to her arrival at the police station. Olga chose to report to the police station without an interpreter, just out of curiosity. As stated above, she had a positive experience with the police.

Instead of booking an interpreter, three participants got support from family members. A few examples:

The first example: Due to the time needed to search for an interpreter to assist with finding the culprit after an attack on the head of a deaf man, it was decided that the daughter of the victim would help him communicate. Dean told of his father’s situation, where the police quickly arrived on the spot and the victim knew that he could request an interpreter. The deaf

man's daughter was coincidentally also there, so she helped by interpreting between the police and her father.

Secondly, this story is about Estelle and her experience with not searching for a qualified interpreter herself. One evening she was chatting using MSN with someone. The conversation became quiet serious as it turned out that the person she was chatting with wanted to commit suicide. She did not know what to do so she asked the police to come. Her mother came also to act as an interpreter. When I asked her why she did not search for a qualified interpreter, someone unattached or without family ties, she responded that at that time of day, late in the evening, it is hard to find an interpreter. That is why her mother volunteered to interpret.

Next, two situations when there was not an interpreter because a family member came to 'help'. For example, Guido, who is deaf himself, told me about a couple of experiences, not himself but his wife's and his mother's. His wife had a car crash while Guido was at work. He was notified of the crash and went to the site but by then everything was already taken care of. Later they received a letter with an invitation to come to the police station for an in depth interview about what had happened. Guido accompanied his wife to the interview. The police officer told him he was not allowed to help. He replied that he was allowed to help and support his wife, since they are both deaf. When I asked him why they did not get an interpreter he replied there was no time. Everything had to move fast, he wanted everything to go fast because of the insurance. However, the situation was a little distorted. The first police report was clear and showed a correct representation of what had happened but there had been miscommunications and misunderstandings between the police officer and his wife and that is why a second interview took place to write a second police report. The misunderstanding was about two things that had happened. The car had been towed away for nothing and an ambulance

showed up without his wife had need for one. She just had a little blood dripping down her nose. The police officer at that time asked her if she wanted an ambulance but as she was still in shock after the crash she was not able to communicate. So the police officer took care of everything for her without her asking, simply because she could not communicate at that time. That is why a second police report was written about the communication. The consequence of not having an interpreter was that everything took way longer than it should have because they had to write this second police report.

His second story was about an experience his mother had. It happened last year. She was riding a tram when she had felt something and when she got off, she noticed that her wallet had been stolen. She notified her son, Guido. He went to see her immediately to accompany her to the police station. They had to wait for a while and when a police officer came, he told Guido that he had to write a testimony of what had happened for the police report. Guido was surprised that he had to do that. He had expected that the police would have made the effort to call for an interpreter. But he did it himself for there was little time since a bankcard had been stolen and the thieves might be able to use it.

These were two situations in which no interpreter was used. Guido himself provided support but that made communication even harder.

The researcher asked an open-ended question about the procedure of booking an interpreter. The question was, “Do you think that Deaf sign language users generally understand how to get an interpreter for police interviews?” Estelle doubts the initiative on the part of Deaf people, because she argues that one of her Deaf friends almost never books an interpreter. One of the possible reasons for this is the difficult procedure of booking an interpreter. The deaf woman

agrees with this issue and that she is faced with this. The researcher is also deaf and uses the same procedure. She believes that speedy processing is particularly in the interest of all deaf people in Flanders. She is entirely happy with the way every part of this procedure is clearly noted on the homepage of the central interpreter agency (www.tolkaanvraag.be). Probably, the central interpreter agency could consider reducing the time needed to book an interpreter.

It is remarkable to learn about examples where the police are informed that the person is Deaf, but do not book an interpreter. When the researcher asked why this was, most of the deaf people replied that they did not know why this decision was made. In the example of Bruno, he got an unexpected visit from an inspector who wanted to interrogate him. Bruno ensured that the inspector knew that he was Deaf. Bruno did not know what to do and tried to make himself understood, but did not feel at ease.

Thor told the researcher about his experience with the police who visited his house to report something (he did not elaborate on this report). He told the police that he would tell his story if there was an interpreter present, but the police said that they could not afford one. Thor suggested postponing the appointment so that an interpreter could be found, whereupon the police replied that there was no time and that this matter had to be settled quickly. So, Thor decided to tell the story with a lot of effort, using body language, written Dutch and gestures. Later he received a written report which was factually correct, but he did not sign it. From my view, he knew the juridical system well. He was aware that a deposition without a signature is useless.

In another case relating to the responsibility of the police when booking an interpreter, Guido's wife had a car accident, during which there were a lot of misunderstandings and

communication problems. The police were aware of this and demanded that the Deaf couple arrange an interpreter, but Guido refused and said that it was the responsibility of the police.

b) An Interpreter Booked, by Which Side? The Police/Court or the Deaf Participant?

In this section, we talk about cases where an interpreter was present. The question is, who has the responsibility of arranging and booking an interpreter? Are the costs shouldered by the police, the court or by Deaf people? The deaf signers' views of the interpreters' performance are combined with their narratives.

The court did book an interpreter after the first trial with Barbara, because to book an interpreter would require a lot of time from her due to finding a suitable date for three parties: the interpreter, the justice of the peace of the court, and herself. The judge proposed to give the needed information to the clerk of the court. It was agreed that the clerk of the court would bear the responsibility of arranging for an interpreter and the costs would be deducted from Barbara's interpreting hours, given by the government.

In the case of Thor, the interpreter was booked by the court. He got an appeal from the court relating to a traffic offense. Before going to court, he conferred with his lawyer and informed the lawyer about arrangements that could be made for an interpreter to be present in court. His lawyer told Thor that he would arrange everything himself. Thor started to wonder whether he should have arranged for the interpreter himself, because he feared that once he arrived in court, he would have to work with an interpreter who could not understand him well. In the end, he decided not to bring his own interpreter. He said that the interpreter's performance was smooth until the end. The interpreter then broke the code of ethics; when the judge used the

words ‘deaf-dumb’ the interpreter said to the judge that this was an unacceptable term for deaf people.

When a police interpreter of *Het Reddend Gebaar* was booked for court, the distinction between the two experiences of the participants, Guido and Olga, is noticeable. We will give an explanation of their respective situations. A while before –Guido did not remember when— someone instituted legal proceedings against him relating to damage done to their car. Guido did not remember the accident and he was sure that he was not responsible for the damage, but the case for his innocence was weak, since there were four witnesses. He received a call to go to the court and he requested that an interpreter be booked. They did this without asking which interpreter Guido preferred. The interpreter booked was the person from *Het Reddend Gebaar*, Guido was not satisfied because of the lack of neutrality.

In comparison, Olga’s story is complex. There was a misunderstanding by the police about a speeding fine. One day Olga received a letter from the police informing her that she had a speeding fine, with exact information about where the incident occurred. She was convinced that this was not her car. But she continued to receive letters from the court. She requested proof from the speed cameras, but she never received this. She did not know what to do; the costs were accumulating. She decided to visit the local police station. Fortunately, a policeman who was a qualified interpreter worked there. He helped her with the issue and said that she needed to continue to ignore the letters. And then, one day she got an appeal from the court. The policeman was willing to interpret for her, with the agreement of the judge. She agreed because of his knowledge of her complex issue. When both were in the courtroom waiting her turn, the police interpreter was willing to interpret the different trials happening with other people. Olga was

surprised and satisfied to be able to follow in court. During her trial, everything went well. She was happy with his attitude and performance.

One of the nine participants, Paul, said that in 2004, he received by letter with an invitation to an interrogation. When he arrived in the interrogation room, an interpreter was already there. Paul added that he never understood why he was asked and what the aim of the interrogation was. He said that he was –as witness—involved in a plot with other Deaf people. The police officer tried to extract information from Paul in different ways, e.g. getting angry and hitting him on a shoulder (see above ‘physical contact’). He tried to find confidence between him and the police officer in vain. We can assume that the police were informed that Paul was deaf and decided to book the interpreter. The choice of which interpreter was not given. This had an impact on Paul, because often he could not understand the interpreter because of fear. The effects of Paul’s fear and other feelings influenced the interpreting process:

“The interpreter was present. (...) But because of fear, I could concentrate with difficulty on what the interpreter signed to me.”

Paul also added that he did not get clear information about what would be happening in the interrogation room. To guess and to read the policeman’s face through the interpreter was too difficult and he assumed that the interpreter did not include information Paul gave via his facial expressions when interpreting from the signed to the spoken language. He felt that there was misunderstanding between them. One or two months later, Paul was invited to give evidence in court. He immediately said that he was very disappointed about the quality of the interpreter in court. He did not know who booked her. When he started to testify, his story was interrupted many times and he could not understand the interpreter. The trial was a bit messed up because of the different regional signed languages of the six deaf signers included. To prevent this situation

in the future, Paul said it would be better to book more than one interpreter for each deaf signer. He went on to say that he could not understand the interpreter, not only due to the quality of her performance, but also because of the lexicon used. He did not know all the vocabulary used by the juridical systems.

Anthony and Paul were both invited to tell their stories at the court in two different trials. Both were informed in advance that an interpreter would be present. Because of their roles as witnesses, they did not know who had booked the interpreter.

Now what about instances where the Deaf person arranges for an interpreter? The table (see in the appendix 3) provides a comparison of nine different cases from the narratives. It is obvious that more of the Deaf participants brought their interpreter to court and were responsible for costs, i.e. interpreting hours, than to the police station. The number of trials with an interpreter arranged by the Deaf person is higher than visits to the police station with an interpreter. When the researcher asks why the deaf person brought their own interpreter to court or to the police station, the reasons are diverse. Their responses include having their own choice of interpreter and the trust between them. An example from the narrative of Barbara:

“Yes, I always booked the same interpreter coming from my neighborhood. She lived close to my home. She always came to interpret for me at school, at the doctor’s, et cetera. It was always the same interpreter, yes. (...) But the trust issue, that’s something else. I know that interpreters took an oath of secrecy. (...) I always book the same interpreter because of that trust issue.”

Furthermore, Barbara had the same recommendation as Paul about an interpreter for each deaf signer in court. She was complaining about her divorce trial with her ex-husband. They had to sit far apart from each other with their lawyers between them. The consequence is that she could not see her ex-husband when he signed. She asked her interpreter –paid for with her own

interpreting hours—to sign again what he said; but the interpreter had to voice interpret. She urged her ex-husband to bring his own interpreter, but he never did. She suggested that the judge obliged him to bring his own interpreter, but, again, this did not help.

One interesting finding in this data was that Thor prepared well before he went to the police station with his preferred interpreter. He said that the interpreting went smoothly without his preparing material for the interpreter. They had known each other for a long time. But, the smooth conversation between the police and Thor was because he had already mailed his story to the police. When the researcher asked Thor from one of the prompt questions: “Was the interpreter asked to translate your written statements back into sign language so you could check them?” The answer was positive. This is remarkable because only Thor could check the statements in sign language via his interpreter. This was not available to the other Deaf participants. Another story about arranging an interpreter by a Deaf victim and about checking the statement by the victim self. Here, the story of Estelle: Something had happened in the school bus. Something that had really shocked her and that she could not agree with. She told a confidant what had happened. This confidant agreed that it was a serious situation and called the police. The police came and they started their investigation. They took Estelle into a room to interrogate her. Her mother was also present. Her mother is a qualified interpreter and because of that she could find an interpreter free and willing to come, searching within her interpreter network. When I asked her why her mother didn’t interpret herself, she responded that since she was young at the time and unfamiliar with police interrogation she wanted her mother to be by her side to support her as a trusted person. After the interrogation, her mother translated in VGT for her daughter.

Moreover, when a Deaf person brings their own interpreter, it is to give him/her a sense of security, e.g. understanding of the Deaf person's signing, access to the police station and court, hopefully resulting in a fair trial. But this was not often successful, for example because the arranging of an interpreter was too time-consuming. In the case of Dean, this resulted in the loss of a few interpreting hours due to waiting too long at court:

“When I arrived there with my interpreter, we had to wait until it was my turn. I didn't know when that would be the case. We had to wait for a very long time and the NMBS¹⁷'s lawyer had not arrived yet. I started to get a little frustrated, because we already had to wait for such a long time and in short notice the interpreter had to leave to go to another interpreting assignment.

Thanks to emergency remote interpreting services made available a few years ago, the deaf signer, Guido, could utilise VRS to ask for service when his car broke down. A while later, a policeman came looking. He offered to call for service, at the same time as Guido himself was calling for assistance. He added that the policeman stayed with him. Due to the smooth nature of the remote interpreting service, there were no problems between him and the policeman. After all was concluded, Guido was satisfied as well.

This part has broadly examined several cases where an interpreter was brought in by the police or the court or by deaf signers. In the next part, the focus narrows specifically to the consequences of not having an interpreter present, i.e. the language use of deaf people. What have they done without an interpreter?

¹⁷ National Railway Company of Belgium

3.1.3 *Deaf People's Language and Their Emotions*

As stated beforehand in Table 1, the ways in which the deaf participants use language is different. This has impacted the emotions of the deaf signers when dealing with the police. It does not matter who can speak because this does not give deaf participants full access. Sometimes the police can understand when the deaf person uses their voice, but most deaf signers do not understand everything by lip-reading. That is not 100% access.

Two out of nine Deaf participants have stated that their spoken Dutch is not bad, but both do not like to use their voices during interrogations. Dean has twice experienced being interrogated by the police without an interpreter. He indicates that he made a lot of effort to understand the police:

“But I didn't completely feel at ease. Everything I said was easy, but it took me much effort to understand them. I felt that was too bad though.”

Bruno, who grew up in a family using the oral method of communication, can speak a little bit, but he does not feel well about speaking with the police and he is afraid not to be understood by the police:

“(...) I didn't feel at ease having this communication that was not complete for the full 100%. I wanted to tell them everything I had seen, everything that had happened. I tried to render that in spoken Dutch. But I felt that he didn't completely understand me. I did not feel at ease. I didn't really know what to do.”

In another situation, Bruno used his voice to protect himself. The reason was to quickly handle the situation and to make himself clear to the police during their aggressive approach.

“My Dutch proficiency is very good. I didn't have a problem being in this situation. We could communicate by writing in Dutch.” (Anthony)

That is a quote from Anthony, who argued that his written Dutch is very good and writing presents no obstacles for him, but that his dealings with the police would be better if the police were aware of how to communicate with him. Other deaf people endorsed this view. It is interesting to read in the data that Bruno first tried to make his situation clear by using his voice. When he noticed that the police did not understand him, he switched over to written Dutch by utilising his mobile phone.

The police should not expect that all deaf people can write Dutch because they live in Flanders, because Dutch is the second language for most deaf people. Paul, who was in the interrogation room, used VGT with an interpreter present. When they were ready for the interrogation, Paul was asked to read the statements, but he could not. His Dutch is good, but his emotions, because of the death threats made against him and the attitude of the police, were overwhelming and he could not focus.

This section focused on the language use of the deaf signers. In the next section, the researcher will provide an overview of a list of fortunes and misfortunes.

3.1.4 Fortunate or with Misfortunate Situations

Interestingly, when the researcher collected together the transcriptions of the nine participants, she entered the word fortune (*geluk*) into the search sidebar and found that the word ‘fortune’ appeared many times in the stories. Therefore, is the researcher thought it would be good to list the facts of their experiences with the usages of the words fortune and misfortune, depending on –individual—factors, as follows:

1. Fortune: Incoming into contact with the justice system during the period when *Het Reddend Gebaar* was active,

2. Fortune: In places where many deaf signers live, the police are more deaf aware, e.g. they know to make contact with deaf signers via e-mail and SMS (Thor). But, unfortunately, Barbara had hard luck with access to communication with the local police. As mentioned previously, she was battered by her ex-husband. A policeman gave her his telephone number for when it might happen again. She looked at him disbelievingly and explained that she was deaf and that it would be impossible for her to give him a voice call. The policeman was prohibited from giving her his private mobile phone number and instead suggested repeating her name and home address on the telephone. She did not agree, because of the suspense related to her deaf voice: “What if they do not understand me?” She also felt she needed confirmation from the police as to whether they would be coming or not. She complained about this situation and even brought her own interpreter to explain the situation. Unbelievably, she was powerless to do anything about it.
3. Fortune: Deaf signers who live near a police station with a qualified police interpreter,
4. Fortune: Deaf signers who have a family member who is a qualified interpreter or has a network of interpreters,
5. Fortune: A policeman/woman who is informed on how to deal with a Deaf person,
6. Fortune: The language use of Deaf people has an effect on dealings with the police. The question is whether the voice of a Deaf person will be effective for communication with the police or not.
7. Fortune: Does contact with the police happen in the morning? Then the Deaf person has the fortune of using the remote interpreting service. If contact happens in the afternoon, evening or night, deaf signers will have bad luck. In Guido’s situation, here is how the possibility of using the remote interpreting service affected him:

“The police suggested to call for someone who could help me. That wasn’t necessary, since I could use the remote interpreting service. When the VAB¹⁸ arrived, the police stayed with me. It all went very smoothly. Without the possibility of using the remote interpreting service, however, it would not. (...) Yes, it occurred in the morning. If it had happened in the afternoon, it would have been a completely different story.”

After discussing the fortunate and misfortunate situations, we go to have a look at the police services that some deaf people feel are missing in the next section.

3.1.5 Service

In the beginning of the interview with Guido, he started to complain that the service of the police is generally too slow for him. He sums up: he was in the waiting room when reporting the theft of his mother’s wallet. There was a lot of money missing. Both are deaf, so he assumed that they would be helped as soon as possible, but they were obliged to wait. His other instance of the poor delivery of services involves his effort to quickly find a house burglar. His wife was alone at home when the burglary occurred –Guido was at work—, and her neighbour called the police. When Guido came home, he was faced with difficulties: communication problems and misunderstandings between his wife and the police. Due to those issues the perpetrator had already escaped far away. Guido took the initiative and called an interpreter through video communication, i.e. Oovoo, and explained the whole story again, whereupon the police suddenly responded that they understood much better. This was thanks to the initiative of Guido.

The next section is comprised of the replies of the Deaf participants to open-ended questions asked by the researcher, with their view-points about interpreting and the juridical system.

¹⁸ VAB: the company that offers roadside assistance, vehicle diagnostics centers and driving schools too

3.2 Phase 3: Open-Ended Questions

3.2.1 Question 1

Do you think that specific qualifications or experience should be required of sign language interpreters to work in the legal system?

Five of the nine participants reply 'yes'. The opinions are not much varied. Five respondents say that the attitude of the interpreters is important. Attitudes should be appropriate and formal in keeping with the legal settings. In their experiences with court interpreters there have been some bad impressions, such as: too familiar, too many omissions, unsolicited help and advice from interpreters, inaccuracy, amateur or unprofessional services, the interpreter does not sign like as a deaf person, little knowledge of the regional signed languages of VGT, and so on.

We mention here a few citations:

"Yes, it is necessary. But there's one problem: regional sign language. How can an interpreter adapt himself to the three different regional sign languages, being the Antwerp, Brussels and Ghent variant?" (Paul)

"One interpreter doesn't translate everything, she renders the source language shorter in the target language, because she graduated at the old interpreter training, But the other interpreter does not, she interprets the message completely. I think the second one is the best one. I sometimes book the first interpreter for school or something, but I'd rather not book her for judicial setting. She interprets the message in a simpler language and shortens it. I prefer having everything complete and accurate." (Barbara)

"I think everywhere the correct attitude should be at hand. Certainly in court as well. The formal attitude in court and at the university. The old interpreters from earlier on somewhat less. It is also important that interpreters can sign well. I would rather not have novice interpreters. What is important to me is that the interpreters can follow the rules on eye contact for example, and they have to interpret accurately. And much more... Also in the hospital. It is important too that the interpreter knows how to communicate with the doctor. Also you have to behave as an interpreter, not as a helper. Also, you cannot give any advice. The interpreter should realize that. They need to stick to certain conditions. I hope the current interpreting trainings are better now." (Olga)

One participant adds that she finds that interpreters in legal settings are the same as in medical and educational settings. She felt that specific training should be given for each profession. Her response:

“Maybe it is. It is the same though as in hospitals and at the police station. These are two separate domains. For example, when a nurse is proficient in VGT, she fits in that domain better than others. When an interpreter is at a loss, then she doesn’t belong there. It is better to have specialists in each domain, e.g. in lawsuits, at the police station, et cetera. In educational settings too. It is better to have an interpreter who is specialized in one domain.” (Olga)

3.2.2 Question 2

Do you think that Deaf sign language users generally understand how to get an interpreter for police interviews?

Seven participants reply ‘no’, while three are in doubt. It is obvious that they assume that deaf signers do not know how to get an interpreter for police interviews. Also, their reasons are similar. Deaf signers maybe do know how to get an interpreter, but do they know about their right to request an interpreter? Dean gives the example of his friend. He was on a trip with other friends in two cars. One car had an accident in a region where the police officer knew VGT. When the police came, the deaf people requested that this policeman specifically be called. Dean’s friend, who is not fully active in the Deaf community, was not informed of the qualified sign language interpreter and policeman as well.

Below, we give further responses.

“I don’t know. That’s the Flemish culture, I guess. First the police always try to solve it themselves without an interpreter. I think it is common and part of the Flemish mentality. Maybe how to deal with a signer could be explained at the police training. For example, when coming in contact with a Turkish or Moroccan person, you surely always have to arrange an interpreter Turkish. But for Moroccans you don’t, because they can also speak French. It’s the same for VGT, we have the right to have an interpreter. I believe the police should be made more

aware of this. When you come in contact with a deaf person during a control for example, you need to know how to communicate with him/her. I think we have the right to communicate in our own language.” (Bruno)

“No, when it had happened I wanted to tell my parents or friends. They don’t know anything about it. But something at work, that they do know. But no one knows about the judicial system...” (Paul)

“Absolutely not. Then I told someone about that situation in which I was fortunate having a good lawyer and a good judge. Afterwards some deaf people appeared to have been in similar situations, but they went to court without an interpreter. I felt sorry for them. I said that they had to inform their lawyer about it, but they replied they just let their lawyer do his work. And they accepted having to pay the fine. I found that was strange.” (Thor)

“No, I don’t think so. Not yet all of them. I think some deaf people think interpreters are some sort of helpers. That’s the wrong attitude. Deaf people also need to behave in the right way. Not everyone does. Sometimes they take the easy road. They take the most easy road. I think it’s because they lack knowledge about the judicial system. I partly understand, but if you can’t find an interpreter, it’s tough. Then you ask an interpreter who asks you to help me nevertheless. I think it’s the wrong attitude. You need to be assertive yourself. Then you have to tackle it differently. I do understand some deaf people though, when they say ‘never mind’ and go for a solution that’s shorter and faster.” (Olga)

3.2.3 Question 3

Do you think that the Deaf community would benefit from any sort of training about the police and legal system?

Responses to this question are a unanimous ‘yes’. Some deaf respondents add why it is absolutely important. Bruno argues that deaf people will have more awareness about what they can expect, they will be less panicked, and they will be not attacked. They will also be calmer and will follow the protocol. He hopes that they will take the initiative. Barbara shares the same opinion as Bruno and she adds that deaf people will be more active and use the remote

interpreting service if they know how to use it. Thor says that training is absolutely necessary for knowing rights.

Their suggestions are interesting and useful, e.g. to organise a trip to a police station. The participant who suggested the latter, was informed that one deaf club organised a trip to a police station with a group of deaf signers. They learned a lot and one important piece of information from the police man that they brought home, which they did not know beforehand, was that they could refuse to be interrogated until an interpreter was present. Another suggestion from Paul was to make an appeal to victim support. His response:

“Yes, it is necessary and a requirement. If I was guided through it, I would cooperate well and be less panicky. (...) If it happened to me again, I would look for guidance quicker. As I said before about that third interpreter when I went to the lawyer, then I asked him to book an interpreter after we had already mailed each other. But in the e-mail the text was shorter. The information about the judicial system coming from the lawyer was not that good.”

3.2.4 Question 4

Are there any general issues about accessing interpreters for police interviews or something else that you would like to share with us?

In the last part of the question, the respondents are free to say what they would like to see changing. There are different responses, but it is interesting to read suggestions. Some respondents' thoughts are about interpreters, others are for deaf people and for the justice system, as follows:

Table 4: “Thoughts of the respondents as to how things can be better”

| | | |
|-------------|--|------|
| Deaf people | - Be assertive | Thor |
| | - Dare to take up a lot of contact with the police. | Thor |
| | Small or big problems, it does not matter. The more deaf people come into contact with the justice system, the better. | |

| | | |
|--------------------|---|------------------------|
| Interpreters | - The level and quality of the sign language interpreters should be higher. | Paul |
| The justice system | - To bring in an interpreter always | Bruno |
| | - Higher (deaf) awareness by the police | Anthony and Bruno |
| | - Basic knowledge of signed languages | Estelle and Barbara |
| | - To provide victim support | Paul |
| | - To provide remote interpreting services | Olga |
| | - To be aware about using the interpreting hours | Dean |

4. Discussion and Recommendations

4.1 Discussion

Several Deaf respondents expressed their frustrations regarding access to the justice system. The experiences of the Deaf respondents revealed the common barriers raised when they had contact with the justice system. These are the negative attitudes of the police, the lack of communication access, fear of police and lack of trust. Obviously, in the report of the British Deaf Association (BDA) Scotland of the survey of Deaf people in Scotland (BDA, 2015), the Deaf people also did not feel at ease when they reported directly to police, for similar reasons (BDA, 2015:15). According to Edwards, et al. (2012), this is called a procedural barrier. This barrier means vague procedures of reporting, interviewing, or going to court.

In regard to access in court, most Deaf respondents who were present in a trial had access to an interpreter. The dissertation between the first contact with the police and being present in a trial is such that providing an interpreter for court is possible due to an appointment. If a situation is unforeseeable, it is very rare to have the possibility of finding an interpreter. From the respondent data, it is noticeable that the responsibility of bringing in an interpreter belongs to diverse parties; the Deaf person, the police or the court. There is no clear structural approach. In comparison with the BDA's survey (2015) which shows that the Deaf people were satisfied with the interpreting service, the Flemish Deaf respondents were content with an interpreter chosen by themselves, instead of by the justice system.

Another interesting finding of the data is bypassing. This looks at how Deaf people search for solutions to barriers or otherwise handle them. These findings are: the bringing in of an interpreter by a Deaf person; dealing with a police officer when s/he does not know how to

communicate; and contacting an interpreter via video communication if a police officer comes by in an unforeseeable situation.

4.2 Recommendations

All the information from the interview with Luc Clerbout and the interviews with the respondents goes to show that it is a pity that the project of *Het Reddend Gebaar* is not as active as before and no trainings for novice and experienced police officers are available. The recommendation is to re-establish this project. The aim of the project can be training for police officers as well as for Deaf people to improve greater awareness. The Deaf federation can organize an event in a deaf club with the police to discuss together what they can expect (Stevens, Justisigns 2016). Stevens and Clerbout (Justisigns, 2016) also argued that respect and understanding both ways are important: for the Deaf people to understand how the police work and for the police to have Deaf awareness.

Although none of the respondents had experienced filming during police interviews, it is recommended to film not only the interpreter, but also include the victim/suspect/witness. It might occur that the film is needed to look at again during trial to re-check a police interview.

According to my data, some deaf signers have fortune with police who were informed how to deal with deaf signers or willing to give their mobile phone number. A structural procedure should be provided for all police stations in Flanders, instead of individual systems.

The law of Franchimont is a common and unchanged text, translated into each language. These are the rights of the suspect. The text has to be used before an interrogation starts. To process the proceedings from the start until the end smoothly, a deaf person has to mention that the language of the text is “Dutch”. S/he can say that they want to change Dutch into VGT.

Because, later in the trial, if the judge reads in the text that s/he can speak in Dutch, the judge will assume that an interpreter is not required, then the Deaf person will be out of luck (Interview with Luc Clerbout, Justisigns, 2016). If bringing in a sign language interpreter is mentioned in a request from the deaf person in the first phase, i.e. during dealings with the police, then an interpreter will be automatically booked by the justice system. Also, the costs will be the responsibility of the justice system.

As mentioned in the literature review, the police have provided the possibility of giving a declaration through e-service. But Dutch is not the first language of all Deaf people.

As mentioned in the chapter Findings, some Deaf persons have used their voice in urgent situations. They stated that they did not feel comfortable using their voices. According to the interview with Luc Clerbout (Justisigns, 2016), he suggests not using voices. The police will then search for solutions to communicate with the suspect/victim/witness.

4.3 Limitations

The researcher advises not using Skype due to the small screen framing yourself. After recording the interview, it is too difficult to see yourself signing when you are transcribing. You should check the quality of the Internet and the screen before you start the interview, because it interrupts the progression of the interview occasionally.

The researcher is not a lawyer and she is trained in interpreting and translation. Because of this setting, it is challenging to utilize specific contextual terms about the legislation world.

4.4 Suggestions for the Future Research

1. There is a lack of structural procedure for the bringing in of an interpreter in the police forces of Flanders. It would be interesting to find out whose responsibility it is to book an interpreter.
2. This study was intended to collect the experiences and comments of Deaf people. After discussion of the findings, the need for further study into the experiences of Deaf prisoners in Flanders is seen. Which barriers do Deaf prisoners have?
3. More research into the proceedings from the first contact between the police officers and a Deaf person until trial is needed, to investigate which kind of barriers are present.

5. Conclusion

This study aimed to find out which experiences Deaf people have when they come into contact with the justice system in Flanders, due to little or no research about this topic in Belgium. The introduction discusses the need to collect these experiences for learning and categorizing the kind of barriers and access that are present. In Chapter One, the researcher presented the diverse (inter)national rights, Conventions and Directives regarding the providing of an interpreter in case of interrogation by the police. It also includes background information on accessibility in Flanders and an overview of the theoretical framework (Brennan & Brown, 1997). It is obvious that Deaf people could ask assistance from the workgroup *Het Reddend Gebaar* (The Saving Sign). But due to the reform of the police system, the Deaf people are lost and do not know how the justice system works. In the second chapter, the researcher focused on the description of the research approach; the qualitative approach with semi-structured interviews. This chapter led to the findings (Chapter 3) of the interviews with nine Deaf people who had contact with the police/the court. During the findings, the researcher tried to examine themes from the narratives and the responses to the open-ended questions. Patterns occurred and led to the classification of nine themes. The researcher compared the themes with that from other research projects, e.g. Brennan & Brown (1997), Edwards, et al. (2012) and BDA Scotland (2015). Deaf people were faced with numerous barriers in common in their first encounters with the police without an interpreter from the stage of reporting (Edwards et al., 2012).

The fourth Chapter has four sections, i.e. discussion, recommendations, limitations and suggestions for further research. The four suggestions for further research (section 4.4) would expand more concrete experiences of Deaf people in diverse situations, such as prison, working

with an interpreter, et cetera. This current study only focused on the experiences of the Deaf people regarding contact with the justice system.

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www.justisigns.com

Appendix

Appendix 1:

JUSTISIGNS: Promoting access to justice for Deaf sign language users

For Deaf sign language users (experience of police interviews):



1. Have you had to attend a police interview before?
2. Did you have an interpreter?
3. Were you given the choice of what interpreter you preferred?
4. Did you have an opportunity to prepare with the interpreter before the interview?
5. Was the interview filmed?
6. Was the interpreter asked to back translate your written statements into sign language so you could check it?
7. Do you know if the police interviewers asked to check the credentials of the interpreter (qualifications, registration)?
8. Do you feel like you understood what was happening during the interview?
9. Were you comfortable with the interpreter?
10. Was there anything you feel you misunderstood?
11. Do you think that specific qualifications or experience should be required of sign language interpreters to work in the legal system?

12. Do you think that Deaf sign language users generally understand how to get an interpreter for police interviews?

13. Do you think that the Deaf community would benefit from any sort of training about the police and legal system?

14. Are there any general issues about accessing interpreters for police interviews that you would like to share with us?

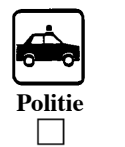
Appendix 2: Emergency Fax

NOODFAX 100

Naam/voornaam:.....
 Naam op de bel:.....Verdiep:.....
 Straat:.....Nr:.....Nr appt:.....
 Gemeente:.....Postnr.:.....
 Fax Nr:/.....

Doof/slechthorend
 Slechtsprekend

1. WIE KUNNEN WIJ VERWITTIGEN?



2. WAT IS ER GEBEURD?



3. WAAR IS HET GEBEURD?



Adres van het gebeuren:
 Naam op de bel: Verdiep: ..
 Straat: Nr: Nr appt: ...
 Gemeente: Postnr.:

4. WIE HEEFT HET PROBLEEM?



.....

 Aantal gekwetsten/ zieken:

5. HOE IS DE TOESTAND VAN HET SLACHTOFFER?

Slachtoffer ademt
niet meer



Ja(aantal:) /Nee

Slachtoffer is
bewusteloos



Ja(aantal:.....) /Nee

Slachtoffer kan niet
meer stappen



Ja(aantal:) /Nee

Slachtoffer verliest
bloed



Ja(aantal:) /Nee

WENST U NOG IETS TE MELDEN?

.....

Kruis de passende vakjes aan en vul indien mogelijk de stippellijnen in.

Appendix 3:

Phase 2 “Overview of themes, subtopics with details and the number of occurrences”

| <i>Theme</i> | <i>Subtopic with details</i> | <i>#</i> |
|---|--|-------------------|
| 1. <i>First contact</i> | 1.1 Several situations in which the justice system comes into contact with a deaf person | |
| | a. In the street | 3 |
| | b. At the door | 6 |
| | c. Received a letter from the police | 5 |
| | d. Received a letter from the court | 5 |
| | 1.2 Several routes by which the deaf person comes into contact with the justice system | |
| | a. Report to the police station | 10 |
| | b. Telephone call for the police by a deaf person, a neighbour, a friend, ... | 7 |
| | c. Call for help to ‘Het Reddend Gebaar’ (the association of police officers who know VGT) | 3 |
| | 2. <i>Dealing with the police</i> | 2.1 Brief contact |
| a. Gestures and writing on paper | | 2 |
| b. Cold attitude | | 2 |
| 2.2 Reasons why police may be informed in advance of how to deal with a deaf person | | |
| a. Locality where many deaf people live | | 1 |
| b. Informed by a police colleague who knows sign language | | 1 |
| 2.3 What happens when deaf people are in panic | | |
| a. Decisions made by police | | 4 |
| 2.4 Which decisions are made by police? | | |
| a. Arranging no interpreter – pressing the deaf person to answer or to write | | 3 |
| b. No efforts (depending on the situation) | | 3 |
| 2.5 Critical/urgent incidents | | |
| a. Making oneself understood with hand gestures | | 1 |
| b. Trying to use spoken language during undergoing brief interrogation | 1 | |
| 2.6 Deaf person does not feel at ease | | |
| a. Frustrating to be unintelligible | 1 | |
| b. After the police cracked down on them | 1 | |
| 2.7 Police officer is distraught | | |
| a. Despite the fact that the police officer knows the person is deaf, s/he does not know how to approach them | 1 | |
| b. Deaf person helps the police officer with regards to communication | 1 | |
| c. The police officer is panicked | 1 | |

| | | |
|---|---|---|
| | 2.8 Physical contact | |
| | a. Aggressive approach of the police | 2 |
| 3. <i>Responsibility for booking an interpreter</i> | 3.1 No interpreter booked | |
| | b. Traffic offense | 1 |
| | c. The police are informed that the person is deaf | 2 |
| | d. No interpreter booked for the reporting of complaints, the deaf person searches out help by him/herself | 1 |
| | e. In an emergency | 3 |
| | f. The deaf person requests that an interpreter be booked after an invitation from the police | 2 |
| | g. A deaf person comes to the police station without an interpreter | 3 |
| | 3.2 An interpreter is booked by the police/court | |
| | a. No choice given as to which interpreter is booked | 2 |
| | b. The police ask the deaf person to book an interpreter | 1 |
| | c. An interpreter is booked by the court, but at the expense of the deaf person | 2 |
| | d. A specific interpreter was booked at the deaf person's request | 1 |
| | 3.3 An interpreter is booked by the deaf person | |
| | a. The deaf person brings an interpreter to court at their own cost | 6 |
| | b. The deaf person brings an interpreter to court but loses his/her access to interpreting because of the wait time | 1 |
| | c. The interpreter mother of the deaf person accessed a private network of interpreters | 1 |
| | d. An interpreter was called at his/her home through video communication | 1 |
| | e. Remote interpreting service | 2 |
| 4. <i>Interpreter attitude and performance</i> | 4.1 Too familiar | 1 |
| | 4.2 Bad quality | 1 |
| | 4.3 The interpreter does not understand the deaf person | 1 |
| | 4.4 Omissions | 2 |
| | 4.5 Smooth attitude and performance | 2 |
| | 4.6 Positive attitude | 1 |
| 5. <i>Deaf persons' emotions</i> | 5.1 Feeling not good about communicating in spoken language | 3 |
| | 5.2 Shocked by crackdown of police | 2 |
| | 5.3 Giving up the fight for own rights | 2 |
| | 5.4 Lack of confidence in police | 2 |
| | 5.5 Suspense | 2 |
| | 5.6 Feeling comfortable and relieved because the police used body language and gestures | 2 |
| | 5.7 Panic, leading to misunderstanding by police | 1 |
| | 5.8 Frustration because interpreting hours have been used for nothing | 1 |
| 6. <i>Language use by Deaf person</i> | 6.1 Spoken language | |

| | | |
|---|--|---|
| | a. Immediately used by the deaf person to defend oneself | 1 |
| | b. The deaf person can speak, but a lot of effort is required to understand the other person | 1 |
| | c. The deaf person does not feel comfortable when speaking, and decides to switch to written language | 1 |
| | 6.2 Written language | |
| | a. Effort by the deaf person | 1 |
| | d. No obstacles with writing in Dutch | 1 |
| | e. No obstacles with reading a report in Dutch after being interrogated, but because of death threats and police crackdown, the person struggled to understand the report | 1 |
| 7. <i>Contact & communication with the lawyer</i> | 7.1 By mail | 1 |
| | 7.2 Through an interpreter | 3 |
| 8. <i>Familial assistance</i> | 8.1 A member of the family is a qualified interpreter | 1 |
| | 8.2 Fast action | |
| | a. A qualified interpreter (mother of a deaf person) accepts the assignment | 1 |
| | b. To find a suspect fast | 2 |
| | c. A member of the family helps to handle things at the police station quickly | 1 |
| | 8.3 Refusing to get help from a member of the family | |
| | a. A qualified interpreter mother as confidant | 1 |
| | b. A child | 1 |
| 9. <i>Deaf persons' rights</i> | 9.1 No acceptance of interpreting help from someone involved in the incident | 1 |
| | 9.2 Awareness of the importance of booking an interpreter is exercised | |
| | a. The deaf person wonders why the police do not ask her/him if an interpreter is needed | 1 |
| | b. Continual requests from the deaf person to book an interpreter | 4 |
| | 9.3 Finding an interpreter is not easy | 1 |
| | 9.4 Providing support to a victim | 2 |
| | 9.5 Demanding psychological support | 2 |
| | 9.6 Service | 1 |
| | 9.7 The waiting time is too long | 1 |
| | 9.8 Good service is needed | 1 |
| | 9.9 Lack of clarity as to contacting police via the internet | 1 |
| | 9.10 Tapping a police officer over the knuckles because there has been no warning that an interpreter has not been found and the date of appointment has not been changed because of this. | 1 |
| | 9.11 Follow up on the current situation | 1 |
| | 9.12 Contacting 'Het Reddend Gebaar' to report a complaint | 2 |

| | | |
|------|--|---|
| 9.13 | Awareness of the importance of an accurate report for insurance | 1 |
| 9.14 | One interpreter for each deaf person (in comparison with each having own lawyer) | 2 |
| 9.15 | Communication accessibility | 1 |
| 9.16 | The Deaf person's knowledge of the justice system | 1 |

Appendix 4: Consent Form

TOESTEMMING VOOR DEELNAME AAN EEN WETENSCHAPPELIJK ONDERZOEK

- Titel onderzoek:** Een exploratief onderzoek naar de ervaringen van Vlaamse dove personen in hun contact met de justitie.
- Onderzoeker:** Carolien Doggen, student van de opleiding EUMASLI (European Master of Sign Language Interpreting), Humak University of Applied Sciences, Helsinki, Finland
- Contact:** carolien.doggen@gmail.com
0479/932.117

Ik verklaar geïnformeerd te zijn over het onderzoeksdoel in Vlaamse Gebarentaal. Ik werd geïnformeerd dat ik word geïnterviewd en dit interview gefilmd wordt.

Ik geef toestemming dat alle gegevens die over mij worden verzameld, worden gebruikt

- als deel van een algemeen geheel van dataverzameling en verslaglegging, waarbij ik niet kan worden herkend als persoon.
- in de vorm van citaten en beschrijvingen, waarbij ik niet kan worden herkend als persoon.
- voor een videoanalyse (interview). Enkel met mijn uitdrukkelijke toestemming mogen mijn gegevens persoonlijk herkend worden door derden. Ik geef toestemming dat deze persoonlijke gegevens bekend zullen zijn bij de promotor en copromotor van het onderzoek. Ik heb het recht om het onderzoek te beëindigen wanneer ik dat wil. De vanaf dat moment verworven informatie zal niet gebruikt worden in het onderzoek.

Datum en plaats:

Handtekening:

